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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

18 UNIVERSAL ENTERTAINMENT
CORPORATION, a Japanese corporation,
19 Plaintiff,

20 v.

21 ARUZE GAMING AMERICA, INC. a Nevada
corporation, KAZUO OKADA, an individual,
22 Defendants.

23 ARUZE GAMING AMERICA, INC., a Nevada
corporation, KAZUO OKADA, an individual,
24 Counter-Claimants,

25 v.

26 UNIVERSAL ENTERTAINMENT
CORPORATION, a Japanese corporation,
ARUZE USA, a Nevada corporation, and JUN
27 FUJIMOTO, an individual,
28 Counter-Defendants.

Case No.: 2:18-cv-00585-RFB-NJK

**MOTION TO SEAL OR REDACT
MOTION FOR SANCTIONS AGAINST
UEC RELATED TO MR. TOKUDA'S
WECHAT COMMUNICATIONS WITH
SRB TECH**

1 Defendants/Counterclaimants Aruze Gaming America, Inc. (“AGA”) and Kazuo Okada
 2 (“Mr. Okada”) (collectively “Defendants”), by and through their counsel of record and pursuant to
 3 Fed. R. Civ. P. 5.2 and LR IA 10-5, request that they be permitted to file under seal their Motion
 4 for Sanctions Against UEC Related to Mr. Tokuda’s WeChat Communications with SRB Tech
 5 (“Motion for Sanctions”).

6 Federal Rule of Civil Procedure 5.2(d) provides: “The court may order that a filing be made
 7 under seal without redaction. The court may later unseal the filing or order the person who made
 8 the filing to file a redacted version for the public record.” A party seeking to seal documents in
 9 support of a non-dispositive motion must only show “good cause” exists to seal the documents in
 10 question. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

11 Here, good cause exists to seal, at least temporarily, the Motion for Sanctions, as the Motion
 12 for Sanctions quotes and/or summarizes a previously-sealed exhibit (Exhibit B) from Defendants’
 13 Sealed Motion to Compel Production of Mr. Hajime Tokuda’s WeChat Communications with SRB
 14 Tech (ECF No. 510) that UEC designated as Confidential Information (as defined by Section 4 of
 15 the First Amended Stipulated Confidentiality Agreement and Protective Order (“Protective
 16 Order”), ECF No. 199). UEC filed its notice and supporting declaration to maintain the
 17 confidentiality designation for Exhibit B from ECF No. 510. *See* ECF No. 537 (UEC’s Notice
 18 Regarding Defendants’ Motion to Seal).

19 Under Section 12 of the Protective Order, “[a]ny party seeking to file or disclose materials
 20 designated as Confidential Information . . . with the Court in this Action must, concurrently with or
 21 prior to any such filing, seek leave to file such Confidential . . . Information under seal in accordance
 22 with LR IA 10-5.” ECF No. 199, at 9. Here, UEC has designated Exhibit B from ECF No. 510 as
 23 Confidential under the Protective Order, prompting Defendants to file this Motion for Leave to File
 24 Under Seal.

25 Under this Court’s June 1, 2020 Order,

26 If the sole ground for a motion to seal is that the opposing party (or
 27 non-party) has designated a document as confidential, *the*
 28 *designator shall file* (within seven days of the filing of the motion
 to seal) either (1) a declaration establishing sufficient justification
 for sealing each document at issue or (2) a notice of withdrawal of

the designation(s) and consent to unsealing. If neither filing is made, the Court may order the document(s) unsealed without further notice.

ECF No. 203 at 2 (emphasis added).

Here, the sole ground for Defendants' filing of this Motion for Leave to File Under Seal is that UEC has designated Exhibit B (from ECF No. 510) as Confidential under the Protective Order, and the Motion for Sanctions quotes and/or summarizes the contents of Exhibit B.

Accordingly, pursuant to this Court's June 1, 2020 Order, UEC must, within seven days of the filing of this Motion, file "either (1) a declaration establishing sufficient justification for sealing each document at issue or (2) a notice of withdrawal of the designation(s) and consent to unsealing." ECF No. 203 at 2. "If neither filing is made, the Court may order the document(s) unsealed without further notice." *Id.* Because UEC has already done this with respect to Exhibit B from ECF No. 510 (*see* ECF No. 537), it is unclear from the Court's Order if UEC must renew its Notice to maintain its confidentiality designation.

DATED this 6th day of October 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on the 6thth day of October 2022, a true and correct copy of the foregoing **MOTION TO SEAL OR REDACT MOTION FOR SANCTIONS AGAINST UEC RELATED TO MR. TOKUDA'S WECHAT COMMUNICATIONS WITH SRB TECH** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the United States District Court, District of Nevada's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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